

United States District Court

for the

Eastern District of Pennsylvania

May 18, 2021

U.S.A. vs. James Carstarphen

Case No. 05-467-01

VIOLATION OF SUPERVISED RELEASE PETITION

COMES NOW James J. Hartnett U.S. PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of James Carstarphen, who was placed on supervised release by the Honorable Mary A. McLaughlin sitting in the Court at Philadelphia, PA, on the 14th day of March, 2007, who fixed the period of supervision at three years, and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

ORIGINAL OFFENSE: Conspiracy (Count One); Armed Carjacking and aiding and abetting (Count Two); Kidnapping (Count Three); Carrying a firearm in relation to a crime of violence and aiding and abetting (Count Four); and Possession of a firearm by a convicted felon (Count Five).

ORIGINAL SENTENCE: Custody of the U.S Bureau of Prisons for a term of 60 months on each Counts 1 and 5 and 121 months on each Counts 2 and 3 all to run concurrently with each other. He was sentenced to 84 months on Count 4 to run consecutively to Counts 1, 2, 3, and 5 for a total sentence of 205 months followed by a 5-year term of supervised release. A \$500.00 special assessment, \$500.00 fine, and \$60.00 in restitution was also imposed.

SPECIAL CONDITIONS: 1) Any unpaid fine or restitution balance shall be paid in monthly installments of \$25.00 to commence 30 days after release on supervised release; 2) The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance; 3) The defendant shall submit to mental health treatment and drug treatment, on an outpatient or inpatient basis as directed by the U.S. Probation Office. The defendant shall abide by any such rules of the program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation office; and 4) The defendant shall participate in educational and vocational training as directed by the U.S. Probation office.

JUDICIAL
REASSIGNMENT:

On May 2, 2016, this case was reassigned to the calendar of the Honorable Gerald A. McHugh.

DATE SUPERVISION
COMMENCED:

November 3, 2020

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VIOLATION HEARING: On April 19, 2021, supervised release was revoked and Mr. Carstarphen was sentenced to the custody of the U.S. Bureau of Prisons for a term of time served; however the defendant shall not be released from custody until a bed date is made available for him at a residential reentry center. He shall remain at the residential reentry center for a period not to exceed six months pending further order of the Court, subject to earlier release upon recommendation from the Probation Office. In addition, the defendant shall serve a term of 5 years of supervised release. The defendant shall participate in substance abuse and mental health treatments and vocational training, as directed by Probation. All previous conditions and special conditions are hereby reimposed.

DATE SUPERVISION
RECOMMENCED: April 30, 2021

DATE SUPERVISION
TERMINATES: April 18, 2026

The above probation officer has reason to believe that the supervised releasee has violated the terms and conditions of his supervision under such circumstances as may warrant revocation. These conditions are:

A. General Condition: The defendant shall not commit another federal, state, or local crime.

On May 18, 2021, the defendant was arrested by Columbus, Ohio, Police Officers and charged with the following offense: Robbery – inflict/attempt to inflict or threaten serious physical harm on another.

On May 18, 2021, at approximately 9:34 a.m., Columbus, Ohio Police Officers responded to a radio call of an attempted robbery at the Chase bank building located at 100 E. Broad Street in Columbus, Ohio. According to the arrest report and conversations with the detective, The defendant handed a note demanding money to a security manager inside the lobby of a building. The bank was also inside of the building but the defendant did not enter the bank and hand the demand note to a bank employee. The defendant had an umbrella in his shirt which he brandished to make it appear as if he has carrying a concealed firearm. He was then taken into custody and is currently being held in the Franklin County, Ohio jail.

An arraignment hearing is scheduled for May 20, 2021, in Franklin County, Ohio, under Docket Number 2021 CR A 006696.

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- B. Special Condition: The defendant shall remain at the residential reentry center for a period not to exceed six months pending further order of the Court, subject to earlier release upon recommendation from the Probation Office.

Mr. Carstarphen was released from the Custody of the Federal Bureau of Prisons on April 30, 2021. He reported to the U.S. Probation Office the same day and received clothing, bus passes, and instructions to report to the Geo Group Residential Reentry Center (RRC), which he did. On May 4, 2021, Mr. Carstarphen was involved in an incident at the RRC in which he approached the facility director to discuss a complaint. He was instructed to put on a mask or face covering and responded "fuck your mask. I'm not putting on a fucking mask. Go ahead and call the Marshals to come get me." Mr. Carstarphen then walked away and entered the dining hall and proceeded to the row of microwaves and threw one of the microwaves on the floor and exited the building with his belongings without staff authorization.

Mr. Carstarphen reported to the U.S. Probation office the next day, May 5, 2021, and received an assessment from a mental health specialist United States Probation Officer. He was then escorted to Pennsylvania Hospital's Hall Mercer Mental Health Crisis Center for further evaluation. He was evaluated and discharged the same day. On May 6, 2021, Mr. Carstarphen reported to the U.S. Probation Office and was referred for inpatient mental health treatment at North Philadelphia Health System (NPHS). He was picked up and transported to NPHS on May 6, 2021.

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- C. Special Condition: The defendant shall submit to mental health treatment and drug treatment on an outpatient or inpatient basis as directed by the U.S. Probation Office. The defendant shall abide by the rules of any such program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation office.

On May 16, 2021, while enrolled in inpatient mental health treatment at North Philadelphia Health Systems, the defendant was involved in a confrontation and subsequently discharged from the Program. According to staff, Mr. Carstarphen was showering for a lengthy period of time and checked on by a staff member. When the staff member checked on Mr. Carstarphen became irate. He then found a broken broom handle and hit a fellow client who tried to intervene and calm Mr. Carstarphen down. Mr. Carstarphen attempted to hit others with the broom handle as well prior to security personnel intervening. Mr. Carstarphen then left North Philadelphia Health System.

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- D. Standard Condition #1: The defendant shall not leave the judicial district without the permission of the court or probation officer.

As noted above in section A. of the Petition, the defendant was arrested in Columbus, Ohio. He was not granted permission to travel outside of the Eastern District of Pennsylvania.

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PRAYING THAT THE COURT WILL ORDER...

**THE ISSUANCE OF A
WARRANT DIRECTING
THAT THE NAMED
SUPERVISED RELEASEE
BE ARRESTED AND
BROUGHT BEFORE THE
COURT FOR A
REVOCATION
HEARING.**

I declare under penalty of
perjury that the foregoing is
true and correct.

Respectfully,

Derrick R. Luby,
Supervising

Digitally signed by Derrick R.
Luby, Supervising
Date: 2021.05.19 10:04:45 -04'00'

Derrick R. Luby, Supervising
U.S. Probation Officer

Place: Philadelphia, PA

Date: May 18, 2021

cc: Assistant U.S. Attorney
Defense Attorney
U.S. Marshal's - Warrant Squad

ORDER OF THE COURT

Considered and ordered this 19th
day of May, 2021 and ordered
filed and made part of the records in the above case.

/s/ Gerald Austin McHugh
U.S. District Court Judge